IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14206US03)

In the Application of: Examiner: Philip Sobutka

Charles Gollnick Group Art Unit: 2618

Serial No.: 10/657,785 Confirmation No.: 1344

Filed: September 8, 2003

For: NETWORK SUPPORTING Transmitted via the Office electronic filing

ROAMING, SLEEPING TERMINALS system July 28, 2010.

APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)

Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

Sir

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed July 16, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1190 days.

The basis under § 1.702 for the adjustment is as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the threeyear deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 1112 days, minus 0 days consumed by an appeal, for a net adjustment of 1112 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was September 8, 2003.
- the third anniversary of the actual filing date was September 8, 2006.
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on September 24, 2009.
- the first RCE was filed 1112 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Removing Overlap

 Two or more grounds of delay overlap from January 20, 2008, to February 11, 2008, totaling 22 days of delay. This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Three Year Guarantee (35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	1112

Reductions in Patent Term Adjustment

Removing Overlap

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	22

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1190 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews. Held & Mallov, Ltd., Deposit Account No. 13-0017.

Dated: July 28, 2010

McANDREWS, HELD & MALLOY, LTD.

By: /Shawn L. Peterson/ Shawn L. Peterson Reg. No. 44,286 Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD. 500 West Madison Street Chicago, Illinois 60661 Telephone: (312) 775-8000

10/657,785	NETWORK SUPP	ORTING ROAMIN	G, SLEEPING TERMINALS	07-22- 2010::09:29:02
Patent Tern	n Adjustments			
Patent Term /	Adjustment (PTA) for	Application Numl	per: 10/657,785	
Filing or 371(c) Date:	09-08-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of	Patent:	-	Three Years:	-
Pre-Issue Peti	itions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Pe	titions (days):	-	Total PTA (days):	100
USPTO Adjust	tment(days):	-	Explanation Of Calculations	
Patent Tern	n Adjustment Hi	story		
Date	Contents Descri	ption	PTO(Days)	APPL(Days)
07-16-2010	Mail Notice of Allo	owance		
07-15-2010	Document Verific	ation		
07-15-2010	Notice of Allowan	ce Data Verificatio	on Completed	
05-08-2010	Date Forwarded t	o Examiner		
04-27-2010	Response after N	on-Final Action		89
04-27-2010	Request for Exter	sion of Time - Gr	anted	4
04-15-2010	Mail Examiner Int	erview Summary	(PTOL - 413)	*
04-12-2010	Examiner Intervie	ew Summary Reco	ord (PTOL - 413)	*
10-28-2009	Mail Non-Final Re	jection		*
10-26-2009	Non-Final Rejection	on		
10-06-2009	Date Forwarded t	o Examiner		
10-06-2009	Date Forwarded t	o Examiner		
09-24-2009	Request for Conti	nued Examination	(RCE)	65
10-06-2009	Disposal for a RC	E / CPA / R129		*
09-24-2009	Request for Exter	sion of Time - Gr	anted	*
09-24-2009	Workflow - Reque	est for RCE - Begin	1	会
09-22-2009	Mail Examiner Int	erview Summary	(PTOL - 413)	*
09-21-2009	Examiner Intervie	w Summary Reco	ord (PTOL - 413)	会
04-21-2009	Mail Final Rejection	on (PTOL - 326)		*
04-21-2009	Final Rejection			
10-03-2008	Information Discl	osure Statement o	considered	
10-22-2008	Information Discl	osure Statement o	considered	
03-31-2009	Paralegal TD Not	accepted		
03-31-2009	Paralegal TD Not	accepted		
03-31-2009	Paralegal TD Not	accepted		
03-31-2009	Paralegal TD Not	accepted		
03-31-2009	Paralegal TD Not	accepted		
03-26-2009	Paralegal TD Acce	epted		
03-26-2009	Paralegal TD Acce	epted		
03-26-2009	Paralegal TD Acce	epted		
03-26-2009	Paralegal TD Acce	epted		

03-26-2009	Paralegal TD Accepted		
03-24-2009	Paralegal TD Not accepted		
03-24-2009	Paralegal TD Not accepted		
03-24-2009	Paralegal TD Not accepted		
03-24-2009	Paralegal TD Not accepted		
03-24-2009	Paralegal TD Not accepted		
01-15-2009	Terminal Disclaimer Filed		
01-15-2009	Terminal Disclaimer Filed		
01-15-2009	Terminal Disclaimer Filed		
01-15-2009	Terminal Disclaimer Filed		
01-15-2009	Terminal Disclaimer Filed		
02-18-2009	Date Forwarded to Examiner		
01-15-2009	Response after Non-Final Action		36
01-15-2009	Request for Extension of Time - Granted		*
01-12-2009	Mail Examiner Interview Summary (PTOL - 413)		會
01-08-2009	Examiner Interview Summary Record (PTOL - 413)		含
10-22-2008	Reference capture on IDS		*
10-22-2008	Information Disclosure Statement (IDS) Filed		倉
10-03-2008	Reference capture on IDS		*
10-03-2008	Information Disclosure Statement (IDS) Filed		全
10-22-2008	Information Disclosure Statement (IDS) Filed		*
10-03-2008	Information Disclosure Statement (IDS) Filed		會
09-10-2008	Mail Non-Final Rejection		含
09-08-2008	Non-Final Rejection		
08-19-2008	Date Forwarded to Examiner		
08-08-2008	Amendment after Final Rejection		89
08-08-2008	Request for Extension of Time - Granted		含
07-17-2008	Mail Miscellaneous Communication to Applicant		*
07-17-2008	Miscellaneous Communication to Applicant - No Action Count		4
02-11-2008	Mail Final Rejection (PTOL - 326)	22	
02-04-2008	Final Rejection	*	
11-08-2007	Information Disclosure Statement considered	*	
11-08-2007	Miscellaneous Incoming Letter	*	
11-08-2007	Reference capture on IDS	*	
11-08-2007	Information Disclosure Statement (IDS) Filed		49
11-08-2007	Information Disclosure Statement (IDS) Filed		*
09-25-2007	Date Forwarded to Examiner		令
09-20-2007	Response after Non-Final Action		92
09-20-2007	Request for Extension of Time - Granted		倉
03-20-2007	Mail Non-Final Rejection		*
03-16-2007	Non-Final Rejection		

10-11-2006	Information Disclosure Statement considered		
03-06-2007	Information Disclosure Statement considered		
03-06-2007	Information Disclosure Statement (IDS) Filed		68
03-06-2007	Information Disclosure Statement (IDS) Filed		
01-14-2007	Date Forwarded to Examiner		*
12-28-2006	Response after Non-Final Action		61
12-28-2006	Request for Extension of Time - Granted		*
10-11-2006	Information Disclosure Statement (IDS) Filed		4
10-11-2006	Information Disclosure Statement (IDS) Filed		含
07-28-2006	Mail Non-Final Rejection	627	
07-24-2006	Non-Final Rejection	*	
08-22-2005	Information Disclosure Statement considered	*	
06-03-2006	Information Disclosure Statement considered	*	
06-03-2006	Reference capture on IDS	*	
06-03-2006	Information Disclosure Statement (IDS) Filed	*	
06-03-2006	Information Disclosure Statement (IDS) Filed	*	
03-21-2006	Case Docketed to Examiner in GAU	*	
08-30-2005	IFW TSS Processing by Tech Center Complete	*	
08-22-2005	Information Disclosure Statement (IDS) Filed	4	
08-22-2005	Information Disclosure Statement (IDS) Filed	*	
08-22-2005	Reference capture on IDS	*	
10-25-2004	Miscellaneous Incoming Letter	*	
07-18-2005	Case Docketed to Examiner in GAU	*	
04-27-2005	Miscellaneous Incoming Letter	*	
09-08-2003	Preliminary Amendment	*	
12-19-2003	Application Dispatched from OIPE	*	
12-22-2003	Application Is Now Complete	*	
11-20-2003	Cleared by OIPE CSR	*	
11-02-2003	IFW Scan & PACR Auto Security Review	*	
09-08-2003	Initial Exam Team nn	*	

Close Window

PATENT TERM ADJUSTMENT SPREADSHEET

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Applicant Calculation	PTO Delay																					1112.00
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Docket No. PTO Calculation	PTO Delay																					
10/657,785	EVENT	Projected issue date	Mail Notice of Allowance	Document Verification	Notice of Allowance Data	Verification Completed	Date Forwarded to Examiner	Response after Non-Final	Action	Request for Extension of Time	Granted	Mail Examiner Interview	Janinial y (FIDE - 413)	Examiner Interview Summary	Record (PLOE - 413)	Three months after Office action	Mail Non-Final Rejection	Non-Final Rejection	Date Forwarded to Examiner	Date Forwarded to Examiner	Disposal for a RCE / CPA / R129	Request for Continued Examination (RCE)
Ser. No.	DATE	1/25/2011	7/16/2010	7/15/2010		//15/2010	5/8/2010		4/27/2010	0,000,000	4/2//2010	4/15/2010	4/17/2010	0100/01/7	4/17/2010	1/28/2010	10/28/2009	10/26/2009	10/6/2009	10/6/2009	10/6/2009	9/24/2009

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9/24/2009	9/24/2009	9/22/2009	9/21/2009	7/21/2009	4/21/2009	4/21/2009	3/31/2009	3/31/2009	3/31/2009	3/31/2009	3/31/2009	3/26/2009	3/26/2009	3/26/2009	3/26/2009	3/26/2009	3/24/2009	3/24/2009	3/24/2009	3/24/2009	3/24/2009	2/18/2009	1/15/2009	1/15/2009

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1/15/2009	1/15/2009	1/15/2009	1/15/2009		1/15/2009		1/12/2009		1/8/2009		12/10/2008		10/22/2008	10/22/2008		10/22/2008		10/22/2008		10/3/2008	10/3/2008		10/3/2008		10/3/2008	9/10/2008	9/8/2008	

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Amendment after Final Rejection	Request for Extension of Time - Granted	Mail Miscellaneous Communication to Applicant	Miscellaneous Communication to Applicant - No Action Count	ee months after Office on	Mail Final Rejection (PTOL - 326)	Final Rejection	Four months after response to Office action	Information Disclosure ** Statement considered	# Miscellaneous Incoming Letter	Reference capture on IDS	Information Disclosure Statement (IDS) Filed	Information Disclosure Statement (IDS) Filed	Date Forwarded to Examiner	Response after Non-Final Action	Request for Extension of Time - Granted
8/8/2008 Rej	8/8/2008 Gre	Mai 7/17/2008 Cor	Mis 7/17/2008 to ,	5/11/2008 action		2/4/2008 Fin	1/20/2008 Off	11/8/2007 Sta		11/8/2007 Ref	11/8/2007 Sta	11/8/2007 Sta		9/20/2007 Act	

*			Information Disclosure Statement (IDS) Filed	6/3/2006
*			Reference capture on IDS	6/3/2006
			Statement considered	6/3/2006
			Information Disclosure	
			Non-Final Rejection	7/24/2006
627.00		627	Mail Non-Final Rejection	7/28/2006
			Three year date	9/8/5006
			Statement (IDS) Filed	10/11/2006
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			Statement (IDS) Filed	10/11/2006
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			Statement considered	10/11/2006
			Information Disclosure	
			action	10/28/2006
			Three months after Office	
			Granted	12/28/2006
			Request for Extension of Time -	
61,00	61		Action	12/28/2006
			Response after Non-Final	
			Date Forwarded to Examiner	1/14/2007
			Statement (IDS) Filed	3/6/2007
			Information Disclosure	
68.00	68		Statement (IDS) Filed	3/6/2007
			Information Disclosure	
			Statement considered	3/6/2007
			Information Disclosure	
			Non-Final Rejection	3/16/2007
ψs.	48		Mail Non-Final Rejection	3/20/2007
			action	6/20/2007
			Three months after Office	

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Information Disclosure Statement (IDS) Filed	Case Docketed to Examiner in GAU	IFW TSS Processing by Tech Rech Center Complete	Information Disclosure Statement considered	Information Disclosure Statement (IDS) Filed	Information Disclosure Statement (IDS) Filed	Reference capture on IDS	Case Docketed to Examiner in [#] GAU	Miscellaneous Incoming Letter	14 month date	Miscellaneous Incoming Letter	Application Is Now Complete	Application Dispatched from OIPE	Cleared by OIPE CSR	IFW Scan & PACR Auto Security Review	Preliminary Amendment	Initial Exam Team nn			*********
6/3/2006	3/21/2006	8/30/2005	8/22/2005	8/22/2005	8/22/2005	8/22/2005	7/18/2005	4/27/2005	11/8/2004	10/25/2004	12/22/2003	12/19/2003	11/20/2003	11/2/2003	9/8/2003	9/8/2003			PTA